

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KENNEDY OWUSU,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civil Action No. 16-8873 (JMV)

OPINION

APPEARANCES:

KENNEDY OWUSU
Essex County Correctional Facility
354 Doremus Ave.
Newark, NJ 07105
Petitioner, *pro se*

KRUTI D. DHARIA
Office of the U.S. Attorney
District of New Jersey
970 Broad Street, Suite 700
Newark, NJ 07102
On behalf of Respondent

VAZQUEZ, United States District Judge

On November 29, 2016, Petitioner Kennedy Owusu filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention since January 16, 2016, by U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) Respondent submitted an I-205 form, showing that Petitioner was removed from the United States on February 23, 2017. (ECF No. 4.) Respondent contends the habeas petition is moot. (*Id.*)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: April 25, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge